

## **Appendix B – Consultation and Correspondence with Stakeholders**

**Comments on Draft Environmental Assessment**  
**Proposed Upgrade and Operation of the CEBAF and FEL Accelerators and Construction and Use of Buildings Associated with the 2005 Ten-Year Site Plan at the Thomas Jefferson National Accelerator Facility, Newport News, Virginia (DOE/EA-1534)**  
**January 2007**

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Concern ID No.	Comment	Response
<p><i>Virginia Department of Environmental Quality (DEQ) Consolidated Comment Letters from E. Irons to P. Sumner</i>  <i>(correspondence dated September 21, 2006, and October 16, 2006)</i>  <u><i>Regulatory and Coordination Needs</i></u> <i>(beginning on Page 14 of September 21, 2006, letter)</i></p>		
1.	<p><i>Wildlife Protection</i> – “In the event that Jefferson Lab staff or contractors discover a canebrake rattlesnake during development or construction of the project (see ‘Environmental Impacts and Mitigation,’ item 1(a) above), they should contact the Department of Game and Inland Fisheries (John Kleopfer, Regional Biologist, telephone (804) 843-5967 or the main office, telephone (804) 367-6913, so that it can safely capture the animal and remove it to a suitable site.”</p> <p>(This comment was excerpted from an e-mail message from Andrew Zadnik, Department of Game and Inland Fisheries, to Charles Ellis, dated September 8, 2006.)</p>	<p>This requirement is addressed in Section 4.4.12.3, Pages 77-78, in the EA.</p>
2.	<p><i>Historic Properties</i> – “If unanticipated cultural materials are identified during any project activities at the project site, the Jefferson Lab should stop work immediately and contact the Department of Historic Resources (Roger Kirchen, telephone (804) 367-2323, extension 153) for guidance on treatment of the cultural resource.”</p> <p>(This comment was excerpted from a letter from Roger W. Kirchen, Department of Historic Resources, to Patricia Sumner, dated August 29, 2006.)</p>	<p>This requirement is addressed in Section 4.3.6, Page 37, in the EA.</p>

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3.	<p><i>Erosion and Sediment Control: Stormwater Management</i> – “As mentioned above (“Environmental Impacts and Mitigation, item 3(a) and ‘Federal Consistency...,’ item 4), the project may require a Stormwater Management Plan pursuant to the Stormwater Management Law (Virginia Code section 10.1-603) (for projects involving land disturbance of 1 acre or more) and/or an Erosion and Sediment Control Plan pursuant to the Erosion and Sediment Control Law (Virginia Code sections 10.1-560 et seq.) (for projects involving land disturbance of 2,500 square feet or more in Chesapeake Bay Preservation Areas). Questions regarding both of these requirements may be directed to the Department of Conservation and Recreation’s Chowan, Albemarle, and Coastal Watersheds Office (telephone (757) 925-2468). The City Engineering Department (telephone (757) 926-8611) is also interested in erosion control and stormwater management: see ‘Environmental Impacts and Mitigation,’ item 12, above.”</p> <p>(This comment was excerpted from a memorandum from Alli Baird, Chesapeake Bay Local Assistance, to Charles H. Ellis, dated August 31, 2006.)</p> <p><i>The following comment was excerpted from a letter from Ellie L. Irons, Department of Environmental Quality, to Patricia Sumner, dated October 16, 2006:</i></p> <p>“It appears from your discussion and correspondence with Ms. Baird that the proposed project activities would <u>not</u> affect lands defined as either Resource Protection Areas or Resource Management Areas under the Bay Regulations. Ms. Baird has confirmed this in a memorandum (attached). This means that the VPDES Stormwater General Permit will not apply to a given project unless it involves total land disturbances of one acre or</p>	<p>Comments noted.</p> <p>Comments were resolved in letter from Ellie L. Irons, Department of Environmental Quality, to Patricia Sumner, dated October 16, 2006.</p> <p>These requirements are addressed in Section 4.4.3.2, Page 47, in the EA.</p>

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	<p>more. To determine the applicability of the VPDES Stormwater General Permit, the land areas to be disturbed by construction projects planned for the near future should be added together to arrive at a cumulative acreage. If this remains less than one acre, the VPDES Stormwater General Permit requirement will not apply.”</p> <p>(This comment was excerpted from a letter from Alli Baird, Chesapeake Bay Local Assistance, to Ellie L. Irons, dated October 12, 2006.)</p> <p>“From the information provided, it appears that there are no Chesapeake Bay Preservation Areas being impacted by this project.”</p>	
4.	<p><i>VPDES Stormwater Management General Permit</i> – “To obtain coverage under the VPDES Stormwater General Permit for Construction Activities, or to inquire about the requirements of this general permit, the Jefferson Lab should contact the Department of Conservation and Recreation’s Division of Soil and Water Conservation (Eric Capps, telephone (804) 786-3957).”</p>	<p>This comment was resolved in a letter from Ellie L. Irons, Department of Environmental Quality, to Patricia Sumner, dated October 16, 2006.</p> <p>These requirements are also addressed in Section 4.4.3.2, Page 47, in the EA.</p>

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5.	<p><i>Air Quality Regulation</i> – “Permits may be needed for fuel-burning equipment used during construction of this project, as well as fuel-burning equipment used for heating and cooling the new buildings. DEQ’s Tidewater Regional Office (Jane Workman, Air Permits Manager, telephone (757) 518-2112) should be contacted to inquire about permitting needs. The same Office should be contacted to determine whether an open burning permit is required under the <u>Regulations for the Control and Abatement of Air Pollution</u> (9 VAC 5-40-5600 <i>et seq.</i>).”</p> <p>(This comment was excerpted from a Department of Environmental Quality, Division of Air Program Coordination, comment response form from Kotur S. Narasimhan to Charles H. Ellis, dated August 18, 2006.)</p>	<p>These requirements are addressed in Section 4.4.7.1, Pages 70-71, in the EA.</p>
6.	<p><i>Subaqueous Lands Encroachment</i> – “As indicated above (‘Federal Consistency...,’ item 2), encroachments in, on, or over state-owned bottomlands may require permits from the Marine Resources Commission pursuant to Virginia Code section 28.2-1204. Questions about the applicability of subaqueous lands encroachment permits may be directed to the Commission (Elizabeth Gallup, telephone (757) 247-2200).”</p> <p>(This comment was excerpted from a Marine Resources Commission comment response form from Elizabeth Gallup, to Charles H. Ellis, dated August 22, 2006.)</p>	<p>Comment noted. Response sent from James A. Turi to Elizabeth Gallup, dated November 8, 2006, stating that “The DOE has reviewed this issue and found that there are no natural rivers, streams, or creeks present on the Jefferson Lab site, nor any normal high water encroachment from nearby offsite streams. Thus, the project would not encroach in, on, or over any State-owned rivers, streams, or creeks in the Commonwealth.”</p>

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<b>Concern ID No.</b>	<b>Comment</b>	<b>Response</b>
7.	<p><i>Wetlands and Water Quality Regulation</i> – “If, pursuant to current mapping approval, it appears that any part of the project will affect wetlands or surface waters, Jefferson Lab must obtain a Virginia Water Protection Permit from DEQ’s Tidewater Regional Office. Questions may be directed to that Office (Bert Parolari, telephone (757) 518-2166).”</p> <p>(This comment was also included in DEQ’s Tidewater Regional Office comment response form [no date].)</p> <p>“It does not appear likely that the temporary de-watering involved in the project (Draft EA, pages 51-52, section 4.4.4.1) would affect flow quantity at the groundwater de-watering operation. For this reason, there should be no need to modify the Jefferson Lab’s existing Ground Water Withdrawal Permit. An expanded use permit would be necessary, however, if the project changes to require additional long-term de-watering. Questions of this potential requirement may be addressed to DEQ’s Tidewater Regional Office (Michelle Hollis, telephone (757) 518-2146).”</p>	<p>Comment noted. Response sent from James A. Turi to Bert Parolari, dated November 8, 2006, stating that “The USACE concurred with the DOE conclusions that the proposed actions addressed in this EA will not affect the one (1) confirmed wetland on the Jefferson Lab site which has been added to Figure 5 of the EA.”</p> <p>These requirements are addressed in Section 4.4.3.2, Page 49. The one wetland is identified on Figure 5, Page 48, of the EA.</p>

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8.	<p><i>Transportation Coordination</i> – “Any VDOT land use requirements, lane closures, traffic control or work safety issues should be coordinated with the City of Newport News and VDOT’s Williamsburg Residency (telephone (757) 253-4832). The City Engineering Department (telephone (757) 926-8611) is also interested in traffic engineering; see ‘Environmental Impacts and Mitigation,’ item 12, above.”</p> <p>(Similar comments were also included in the following correspondence:</p> <ul style="list-style-type: none"> <li>• Hampton Roads Planning District Commission’s letter from Arthur L. Collins to Charles H. Ellis, dated September 14, 2006;</li> <li>• City of Newport News, Office of the City Manager’s letters from Randy W. Hildebrandt to James A. Turi, dated August 18, 2006, and to Charles H. Ellis, dated September 8, 2006; and</li> <li>• Virginia Department of Transportation’s letter from Mary T. Stanley to Charles H. Ellis, dated September 8, 2006.)</li> </ul>	Comments noted.

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9.	<p><i>Waste Management</i></p> <p>(a) <i>Contamination</i> – “As indicated above (‘Environmental Impacts and Mitigation,’ item 4[b]), soils suspected of contamination must be tested and disposed of in accordance with applicable laws. These include, but are not limited to, the Virginia Waste Management Act (<i>Virginia Code</i> sections 10.1-1400 <u>et seq.</u>), the <u>Virginia Hazardous Waste Management Regulations</u> (9 VAC 20-60), and the <u>Virginia Solid Waste Management Regulations</u> (9 VAC 20-80). (See the enclosed DEQ memo, Kohler to Ellis, dated September 8, 2006 for additional citations.) If evidence of a petroleum release is discovered during project construction or preparation, the Jefferson Lab must report the release to DEQ’s Tidewater Regional Office (Rebecca Gehring, telephone (757) 518-2190 or Gene Siudyla, telephone (757) 518-2117).”</p> <p>(b) <i>Lead-based Paint and Asbestos</i> – “If asbestos-containing materials are found, the Jefferson Lab should follow the <u>Virginia Solid Waste Management Regulations</u>, specifically 9 VAC 20-80-640. Similarly, if lead-based paint is discovered, the Jefferson Lab should follow the <u>Virginia Hazardous Waste Management Regulations</u>, specifically 9 VAC 20-60-261.”</p> <p>(These comments were also included in DEQ’s memorandum from Paul Kohler to Charles H. Ellis, dated September 8, 2006.)</p>	<p>Comment noted.</p> <p>This requirement is addressed in Section 4.4.1.1, Page 39, and Section 4.4.10.3, Page 75.</p> <p>Comment noted.</p> <p>This requirement is addressed in Section 4.4.1.1, Page 39.</p>



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10.	<p><i>Registration of New Storage Tanks</i> – “If portable above-ground storage tanks (ASTs) are to be used as part of the project, they must be registered with DEQ. Registration involves getting AST Registration Form from DEQ’s web site... The form should be mailed to the DEQ address given, along with the registration fee listed on the form. Questions regarding AST registration may be directed to DEQ’s Tidewater Regional Office (Tom Madigan, telephone (757) 518-2115 or e-mail <a href="mailto:temadigan@deq.virginia.gov">temadigan@deq.virginia.gov</a>).”</p> <p>(This comment was also included in DEQ’s Tidewater Regional Office comment response form [no date].)</p>	<p>Comment noted.</p> <p>Correspondence sent from James A. Turi to Tom Madigan dated November 8, 2006, stating that “In September 2006, you advised the DOE that the if the [sic] construction of this project will include the use of portable or permanent aboveground storage tanks (ASTs) with a storage capacity of greater than 660 gallons of petroleum then the tank(s) must be register [sic] with the Department of Environmental Quality (DEQ). A review of our anticipated project needs has determined that there may be a possibility for the use of such tanks. As such, the EA will be revised to reflect the regulatory requirement for the use of ASTs over 660 gallons.”</p> <p>This requirement is addressed in Section 4.4.1.2, Page 41.</p>

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11.	<p><i>Coastal Lands Management</i> – “Questions relating to the performance criteria of the <u>Chesapeake Bay Preservation Area Designation and Management Regulations</u> (9 VAC 10-20-10 et seq.; see 9 VAC 10-20-120 for general performance criteria and 9 VAC 10-20-130 for stricter performance criteria applicable to lands analogous to Resource Protection Areas) and their application to this project, as well as other parts of the discussion in ‘Federal Consistency,...’ item 6, above may be directed to the Department of Conservation and Recreation’s Division of Chesapeake Bay Local Assistance (Alice Baird, telephone (804) 225-2307).”</p> <p>(This comment was excerpted from a memorandum from Alli Baird, Chesapeake Bay Local Assistance, to Charles H. Ellis, dated August 31, 2006.)</p>	<p>Comment noted.</p> <p>This requirement is addressed in Section 4.4.1.1, Page 39.</p>
<p style="text-align: center;"><b><i>Virginia Department of Environmental Quality (DEQ) Memorandum from P. Kohler to C. Ellis dated September 8, 2006</i></b></p>		
1.	<p><i>Waste</i> – The following are additional comments that were included in Paul Kohler’s memorandum but were not included in Ellie Irons Regulatory and Coordination Needs summary of comments:</p> <p>“Neither solid nor hazardous waste issues were addressed in the report. The report did not include a search of waste-related data bases.”</p>	<p>Comments were discussed on November 9, 2006, and confirmed by e-mail on November 16, 2006, with Paul Kohler. The changes made in the EA were accepted by this department as adequately addressing their concerns/comments. These requirements are addressed in Section 4.2.5.</p> <p>Letter from James A. Turi to Paul Kohler, dated November 17, 2006, documented this agreement.</p>

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<p style="text-align: center;"><i>The following correspondence is being referenced in this matrix as correspondence being received; however, the comments received were of a nature that did not require changes to the EA.</i></p>		
1.	<p><i>Natural Heritage Resources</i> – Department of Conservation and Recreation Letter, from Robert S. Munson to James A. Turi, dated August 16, 2005 [sic] (transmitted in 2006 rather than 2005), subject: <i>DCR-06-049: Upgrades &amp; Construction Projects at the Thomas Jefferson National Acceleration Facility</i> and  Department of Conservation and Recreation Memorandum, from Robert S. Munson to Charles H. Ellis, dated September 13, 2006, subject: <i>DEQ-06-140F: DOE, Thomas Jefferson Accelerator Facility</i></p> <p>“We do not anticipate that this project will adversely impact these natural heritage resources.”</p> <p>“The current activity will not affect any documented state-listed plants or insects.”</p> <p>“In addition, our files do not indicate the presence of any State Natural Area Preserves under DCR’s jurisdiction in the project vicinity.”</p> <p>“New and updated information is continually added to Biotics. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.”</p>	<p>Comments noted. No changes to the EA required.</p>

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2.	<p>Virginia Department of Agriculture and Consumer Services (VDACS), Office of Plant and Pest Service, Keith R. Tignor comment response form to Charles H. Ellis, dated September 11, 2006</p> <p>“Statements in the project document concerning endangered species were reviewed and compared to available information. No additional comments are necessary in reference to endangered plant and insect species regarding this project.”</p>	Comment noted. No change to the EA required.
3.	<p>Virginia Department of Environmental Quality, Office of Remediation Programs, Memorandum from Eric J. Salopek to John Fisher, dated September 20, 2006</p> <p>“Given the level of commercial activity in the area and the presence of Interstate 64, coupled with the distance between the FUDS and the referenced facility, it is highly unlikely that any historic practices of the FUDS impacted, or are likely to impact, the TJNAF property.”</p>	Comment noted. No change to the EA required.
4.	<p>Virginia Department of Health, Office of Drinking Water, Letter from Dixon W. Tucker to Charles H. Ellis, dated September 15, 2006</p> <p>“The City of Newport News Health Department has no comments on the draft.”</p>	Comment noted. No change to the EA required.

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5.	<p>Department of the Army, Norfolk District, Corps of Engineers, Western Virginia Regulator Section's letter from Michael A. Schwinn to Tricia Sumner, dated September 20, 2006</p> <p>(Correspondence was in response to DOE Thomas Jefferson Site Office's Letter from Tricia Sumner to Richard Berg, dated August 16, 2006, subject: <i>Review of Wetland Delineation Survey for the Proposed Action in EA-1534 at the Thomas Jefferson National Accelerator Facility [TJNAF]</i>)</p> <p>"Based on this examination, it appears the majority of the property does not contain any wetlands. Only one wetland area, located near the intersection of Jefferson Avenue and Onnes Drive, appears to be present on the property."</p> <p>"If any work is proposed in the vicinity of the wetland area, we recommend that you contact Mr. Berg to have the area examined prior to any work occurring. Any mechanized landclearing that disturbs the soil surface, such as with a bulldozer and/or root rake, and/or any filling or excavation in wetlands on this site may require a permit from the Department of the Army and/or the Virginia Department of Environmental Quality prior to such activities occurring. Any work in the upland area shown on the site will not require a Department of the Army permit."</p>	Comments noted. No changes to the EA required.



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September 21, 2006

Ms. Patricia Sumner  
U.S. Department of Energy, Thomas Jefferson Site Office  
12000 Jefferson Avenue  
Newport News, Virginia 23606

RE: Draft Environmental Assessment and Federal Consistency Determination  
for Proposed Upgrades and Construction Projects at the Thomas  
Jefferson National Accelerator Facility, Newport News, Virginia  
(DOE/EA-1534)  
DEQ-06-140F

Dear Ms. Sumner:

The Commonwealth of Virginia has completed its review of the above document. The Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of federal environmental documents prepared pursuant to the National Environmental Policy Act (NEPA) and responding to appropriate federal officials on behalf of the Commonwealth. In addition, DEQ's Office of Environmental Impact Review (this Office) coordinates Virginia's review of federal consistency determinations pursuant to the Coastal Zone Management Act. The following agencies, regional planning district commission, and locality joined in this review:

Department of Environmental Quality  
Department of Game and Inland Fisheries  
Department of Agriculture and Consumer Services  
Department of Conservation and Recreation  
Department of Health  
Department of Transportation  
Marine Resources Commission  
Department of Historic Resources  
Hampton Roads Planning District Commission  
City of Newport News.

### Project Description

According to its Draft Environmental Assessment ("Draft EA"), the Department of Energy's Thomas Jefferson National Accelerator Facility ("Jefferson Lab") in Newport News proposes to undertake several construction projects and upgrade several of its facilities to support its expanded research programs. Specifically, the Jefferson Lab would undertake the following construction projects:

- Expand the North and South Access Buildings (#38 and 67) and the Service Building (#98);
- Construct a second Central Helium Liquifier facility, to be connected to the Central Helium Liquifier;
- Construct a new Hall D complex;
- Excavate for and construct two retention ponds and associated surface water channels;
- Construct Technical Support Building #2;
- Construct a radioactive waste storage structure and several general site storage structures;
- Expand site utilities, including the construction of a 10 megawatt generator and pad; and
- Construct the North Connector Road extension and parking lot.

In addition, Jefferson Lab would increase the beam energy of the CEBAF accelerator and upgrade the free-electron laser (Draft EA, page 13, section 2.2). The Draft EA includes a federal consistency determination (pages 43-50, section 4.4.3); see "Federal Consistency under the Coastal Zone Management Act," below.

### Environmental Impacts and Mitigation

*1. Natural Heritage Resources.* The Department of Conservation and Recreation (DCR) has searched its Biotics Data System for occurrences of natural heritage resources in the project area. "Natural heritage resources" are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations. DCR indicates that natural heritage resources have been documented in the project area; however, because of the scope of the project and the distance to the resources, the project is unlikely to give rise to adverse effects upon the natural heritage resources.

Under a memorandum of agreement with the Department of Agriculture and Consumer Services (VDACS), DCR represents VDACS in commenting on potential impacts of projects upon state-listed endangered and threatened plant and insect species. The proposed project will not affect any such species, according to DCR. VDACS confirms this conclusion.

2. *Wildlife Resources.* The Department of Game and Inland Fisheries, as the Commonwealth's wildlife and freshwater fish management agency, exercises enforcement and regulatory jurisdiction over wildlife and freshwater fish, including state or federally listed endangered or threatened species, but excluding listed insects. The Department (hereinafter "DGIF") is a consulting agency under the U.S. Fish and Wildlife Coordination Act (16 U.S.C. sections 661 *et seq.*), and provides environmental analysis of projects or permit applications coordinated through the Department of Environmental Quality and several other state and federal agencies. DGIF determines likely impacts upon fish and wildlife resources and habitat, and recommends appropriate measures to avoid, reduce, or compensate for those impacts. ←

(a) *Findings and Recommendations.* DGIF indicates that the canebrake rattlesnake, a species listed by the Commonwealth as endangered, has been documented within 2 miles of the project area. The Jefferson Lab acknowledges this, and proposes that all staff and contractors be informed about the potential presence of this rattlesnake in the project vicinity (Draft EA, page 75, section 4.4.12.3). The Department of Game and Inland Fisheries supports this proposal, and recommends that the Jefferson Lab contact DGIF staff in the event a canebrake rattlesnake is discovered; see "Regulatory and Coordination Needs," item 1, below. \*

(b) *Additional Wildlife Information.* DGIF maintains a data base of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters, that may contain information not documented by DCR (item 1, above). Access to this data base may be obtained through the DGIF web site:

[http://www.dgif.virginia.gov/wildlife/info\\_map/index.html](http://www.dgif.virginia.gov/wildlife/info_map/index.html)

Questions on this web site may be addressed to the Department of Game and Inland Fisheries (Shirl Dresser, telephone (804) 367-6913).



### 3. Stormwater Management.

(a) *Stormwater Management Plan.* The Jefferson Lab must comply with the Stormwater Management Law (*Virginia Code* section 10.1-603). A Stormwater Management Plan is required for any project involving land disturbance of 1 acre or more. Types of projects include clearing and grading activities, installation of staging areas, parking lots, roads, buildings, utilities, or other structures, soil/dredge spoil areas, or related land conversion activities. It is recommended that the proposed project be considered in conjunction with other existing or planned projects so as to minimize stormwater runoff on nearby waterways and other natural resources. The Department of Energy is ultimately responsible for achieving project compliance through oversight of on-site contractors, regular field inspection, prompt action against non-compliance, and/or other mechanisms consistent with DOE policy. As with the Erosion and Sediment Control Plan requirement (see "Federal Consistency....," item 4, below), the Jefferson Lab is encouraged to contact the Department of Conservation and Recreation to obtain plan development or implementation assistance so as to ensure project compliance during and after construction. The project should be considered in conjunction with any other existing or proposed land use conversion or expansion plans for the property in order to adequately address the cumulative impacts upon the receiving drainage, as well as to identify appropriate strategies for reducing the non-point source pollution from the developed and developing areas of the site. See "Regulatory and Coordination Needs," item 3, below. \*

(b) *VPDES Stormwater General Permit.* Projects involving land disturbance of one acre or more are also subject to the requirements of the Virginia Pollutant Discharge Elimination System (VPDES) Stormwater Permit for Construction Activities. See "Regulatory and Coordination Needs," item 4, below. \*

4. *Solid and Hazardous Waste Management.* The Draft EA did not address solid or hazardous waste issues; nor did it include a search of waste-related data bases. \*

(a) *Findings.* DEQ's Waste Division conducted a cursory review of its data files and determined that the Jefferson Lab is in the general vicinity of two sites listed on the CERCLIS Database: \*

- Newport News Pesticide Site (identification number VASFN0305421); and

- Patrick Henry Airport (identification number VAD980830483). (See item 4(d), below).

The following web sites may be helpful in locating additional information for these identification numbers:

- [http://www.epa.gov/echo/search\\_by\\_permit.html](http://www.epa.gov/echo/search_by_permit.html) or
- [http://www.epa.gov/environ/html/rcris/rcris\\_query\\_java.html](http://www.epa.gov/environ/html/rcris/rcris_query_java.html)

There are other solid waste sites in the general vicinity:

- Industrial Resource Technology, PBR 115, a Materials Recovery Facility;
- The Newport News City Landfill No. 2, SWP 282, Closed Sanitary Landfill;
- The Newport News City Landfill No. 2, SWP 386, Closed Sanitary Landfill; and
- Newport News City - YWCF 2 - McManus Blvd., PBR 110, Yard Waste Composting Facility.

(b) *Contamination.* Any soil suspected of contamination, or wastes that are generated, must be tested and disposed of in accordance with applicable federal, state, and local laws and regulations. Discovery of evidence of a petroleum release must also be reported to DEQ; see "Regulatory and Coordination Needs," item 9(a), below. \*

The proposed construction is on a former Voluntary Remediation Program (VRP) site. The certificate of completion requires that the groundwater of the site not be used for any purpose other than monitoring and testing, and that the site not be used for residential purposes.

(c) *Demolition of Structures.* DEQ's Waste Division states that if any structures are to be demolished, renovated, or removed, they should be inspected for asbestos-containing materials and lead-based paint prior to demolition. See "Regulatory and Coordination Needs," item 9(b), below.

(d) *Formerly Used Defense Site.* According to DEQ's Waste Division, the Patrick Henry Airport is the present owner of structures formerly used by Camp

Patrick Henry, a formerly used defense site (identification number CO3VA0186). That camp, covering approximately 1,595 acres, was an embarkation point during the 1940s. Most of this acreage, including all the Camp Patrick Henry structures, was conveyed to the Peninsula Airport, currently known as the Patrick Henry Airport. These are approximately 1.5 miles north of the Jefferson Lab, and the Defense Department has informed DEQ's Waste Division that there is no known or suspected ordnance and/or hazardous waste at the site. DEQ's Waste Division has not investigated the site, so cannot either support or contradict this assertion. However, it is unlikely, in the judgment of the Waste Division, that any historic practices of the formerly used defense site affected, or are likely to affect, the Jefferson Lab. This conclusion is attributable to the distance (1.5 miles), the level of commercial activity in the area, and the presence of Interstate Route 64.

(e) *Pollution Prevention.* DEQ encourages the Jefferson Lab to implement pollution prevention principles in all construction projects. These principles include reduction of waste materials at the source, re-use of materials, and recycling of waste materials to the greatest extent practicable. See also item 9, below. \*

5. *Petroleum Storage Tanks.* DEQ's Tidewater Regional Office states that there has been one petroleum release reported at the Jefferson Lab. This release, PC # 1990-0400, is a closed case associated with a former diesel underground storage tank (UST) at the Cryogenics testing Lab. The Regional Office notes that there is no planned construction near this release site.

The Jefferson Lab does not operate any regulated underground or above-ground petroleum storage tanks, according to DEQ's Tidewater Regional Office. Accordingly, the new projects are not likely to affect any such tanks. If construction of the projects involves use of portable above-ground storage tanks (greater than 660 gallons capacity) for equipment fuel, the Jefferson Lab must register the tanks with DEQ. See "Regulatory and Coordination Needs," item 10, below. \*

6. *Historic Resources.* According to the Department of Historic Resources (direct correspondence to Patricia Sumner, dated August 29, 2006) there are no recorded architectural or archaeological resources within or adjacent to the project area. Previous archaeological surveys on the property determined that there is little remaining potential for archaeological resources following the construction of the facility. In addition, previous consideration of the significance of the Jefferson Lab's architectural resources determined that no buildings on the site are eligible for listing on the National Register of Historic Places.

As a result, the Department of Historic Resources determines that the project will not affect historic properties. However, if unanticipated cultural materials are identified during any action at the site, construction activities should cease immediately, and the Jefferson Lab should contact the Department for guidance on treatment of the resource in question. See "Regulatory and Coordination Needs," item 2, below.

*7. Water Supply.* Stormwater runoff from construction activities would flow to Brick Kiln Creek, which used to be a raw water source. The water treatment plant which took water from that Creek has been de-commissioned. Accordingly, the Department of Health has no objections to the proposed project.

*8. Transportation.* According to the Department of Transportation (VDOT), the proposed project presents no conflicts with projects contemplated in the Six-year Plan or the 2026 Plan.

*9. Forest and Tree Protection.* In order to protect trees in the project area not slated for removal from the effects of construction activities associated with this project, the proponent should mark and fence them at least to the dripline or the end of the root system, whichever extends farther from the tree stem. Marking should be done with highly visible ribbon so that equipment operators see the protected areas easily. \*

Parking and stacking of heavy equipment and construction materials near trees can damage root systems by compacting the soil. Soil compaction, from weight or vibration, affects root growth, water and nutrient uptake, and gas exchange. The protection measures suggested above should be used for parking and stacking as well as for moving of equipment and materials. If parking and stacking are unavoidable, the Jefferson Lab should use temporary crossing bridges or mats to minimize soil compaction and mechanical injury to plants.

Any stockpiling of soil should take place away from trees. Piling soil at a tree stem can kill the root system of the tree. Soil stockpiles should be covered, as well, to prevent soil erosion and fugitive dust.

Questions on tree protection may be directed to the Department of Forestry (Mike Foreman, telephone (434) 977-6555).

*10. Pollution Prevention.* DEQ advocates that principles of pollution prevention be used in all construction projects as well as in facility operations. Effective siting, planning, and on-site Best Management Practices (BMPs) will

help to ensure that environmental impacts are minimized. However, pollution prevention techniques also include decisions related to construction materials, design, and operational procedures that will facilitate the reduction of wastes at the source. We have several pollution prevention recommendations that may be helpful in constructing or operating this project:

- Consider development of an Environmental Management System (EMS). An effective EMS will ensure that the proposed facility is committed to minimizing its environmental impacts, setting environmental goals, and achieving improvements in its environmental performance. DEQ offers EMS development assistance and recognizes facilities with effective Environmental Management Systems through its Virginia Environmental Excellence Program.
- Consider environmental attributes when purchasing materials. For example, the extent of recycled material content, toxicity level, and amount of packaging should be considered and can be specified in purchasing contracts.
- Consider contractors' commitments to the environment (such as an EMS) when choosing contractors. Specifications regarding raw materials and construction practices can be included in contract documents and requests for proposals.
- Choose sustainable materials and practices for infrastructure and building construction and design. These could include asphalt and concrete containing recycled materials, and integrated pest management in landscaping, among other things. Integrate pollution prevention techniques into facility maintenance and operation, to include the following: inventory control (record-keeping and centralized storage for hazardous materials), product substitution (use of non-toxic cleaners), and source reduction (fixing leaks, energy-efficient HVAC and equipment). Maintenance facilities should be designed with sufficient and suitable space to allow for effective inventory control and preventive maintenance.

DEQ's Office of Pollution Prevention provides information and technical assistance relating to pollution prevention techniques and EMS. If interested, the Jefferson Lab may contact that Office (Tom Griffin, telephone (804) 698-4545).

*11. Natural Area Preserves.* According to the Department of Conservation and Recreation, there are no state Natural Area Preserves in the vicinity of the project.

*12. Local and Regional Concerns.* The Hampton Roads Planning District Commission states, on the basis of its consultation with the City of Newport News, that the proposed project is generally consistent with local and regional plans and policies. The Commission concurs with the City's comments, provided below.

The City of Newport News states that mitigation for the minor environmental impacts of the project appears to be adequately addressed in the Draft EA. The City asks that the Jefferson Lab work with the City's Engineering Department on site development issues related to:

- stormwater quality
- stormwater quantity
- erosion and sediment control
- traffic engineering.

In addition to the contacts cited for these subjects (see "Regulatory and Coordination Needs," items 3, 4, and 8, below), the Jefferson Lab may contact the City, starting with the City Engineering Department (telephone (757) 926-8611).

#### Federal Consistency under the Coastal Zone Management Act

Pursuant to the Coastal Zone Management Act of 1972, as amended, federal activities located inside or outside of Virginia's designated coastal management area that can have reasonably foreseeable effects on coastal resources or coastal uses must, to the maximum extent practicable, be implemented in a manner consistent with the Virginia Coastal Resources Management Program (VCP). The VCP consists of a network of programs administered by several agencies. The DEQ coordinates the review of federal consistency determinations with agencies administering the Enforceable and Advisory Policies of the VCP.

Based on the information submitted and the comments of reviewing agencies, we concur that the proposed activity is consistent with the Virginia Coastal Resources Management Program, provided that the Jefferson Lab and its contractors comply with all applicable requirements.

*1. Fisheries Management.* The Department of Game and Inland Fisheries finds the project to be consistent with the fisheries management enforceable policy of the Virginia Coastal Resources Management Program, provided that Jefferson Lab staff and contractors follow strict erosion and sediment control

measures and stormwater management measures (see "Environmental Impacts and Mitigation," item 3, above).

2. *Subaqueous Lands Management.* The Marine Resources Commission has jurisdiction over any encroachments in, on, or over any state-owned rivers, streams, or creeks. Accordingly, if any part of the project involves any encroachments channelward of ordinary high water along natural rivers or streams, a permit may be required from the Commission. See "Regulatory and Coordination Needs," item 6, below. If a permit is required, the Jefferson Lab must obtain and comply with it to make the project consistent with the subaqueous lands management enforceable policy of the Virginia Coastal Resources Management Program.

3. *Wetlands Management.* According to the Draft EA, the project will not affect wetlands (page 47, section 4.4.3.2.). The Draft EA refers to a wetland survey prepared in 2001 (footnote 13, page 47), and the "Jefferson Lab Area RMA Map" (Figure 5) includes a wetland key, but does not indicate any wetlands. \*

DEQ's Tidewater Regional Office reminds the Jefferson Lab that confirmations of wetland delineations by the Army Corps of Engineers are only valid for a period of 5 years from the date of confirmation unless extended by the Corps. Accordingly, the Jefferson Lab should ensure that all surface waters and wetlands, as defined in state law, are properly identified, and that any impacts to these areas are properly mitigated. As with the subaqueous lands permit (item 2, above), the Virginia Water Protection Permit is one of the enforceable policies of the Virginia Coastal Resources Management Program and must be obtained and followed if it applies. See "Regulatory and Coordination Needs," item 7, below.

4. *Non-point Source Pollution Control.* Federal agencies and their authorized agents conducting regulated land-disturbing activities on public and private lands in the Commonwealth of Virginia must comply with the Virginia Erosion and Sediment Control Law (*Virginia Code* section 10.1-567) and its implementing regulations, the Virginia Stormwater Management Law (*Virginia Code* section 10.1-603.15) and its implementing regulations, and other applicable federal non-point source pollution control mandates such as section 313 of the Clean Water Act and, as in this review, the federal consistency requirements of the Coastal Zone Management Act (Title 15, Code of Federal Regulations, Part 930). Clearing and grading activities, installation of staging areas, parking lots, roads, buildings, utilities, or other structures, dredge spoil areas, or related land conversion activities that disturb 10,000 square feet or more (2,500 square feet or more in Chesapeake Bay Preservation Areas) are regulated by the Erosion and Sediment Control Law and its implementing regulations. Accordingly, the \*

Jefferson Lab should prepare and implement an Erosion and Sediment Control Plan that complies with state law. The Department of Energy, through its Jefferson Lab, is ultimately responsible for achieving project compliance through oversight of on-site contractors, regular field inspection, prompt action against non-compliance, and/or other mechanisms consistent with Department of Energy policy. The Jefferson Lab is encouraged to contact the Department of Conservation and Recreation to obtain plan development or implementation assistance so as to ensure project compliance during and after construction; see "Regulatory and Coordination Needs," item 3, below.

*5. Air Pollution Control.* According to DEQ's Division of Air Program Coordination, the project is in an ozone non-attainment area. This means that the Jefferson Lab should take all necessary precautions to restrict emissions of volatile organic compounds (VOCs) and oxides of nitrogen (NO<sub>x</sub>), which are precursors of atmospheric ozone (O<sub>3</sub>).

*(a) Fugitive Dust Control.* During construction, fugitive dust must be kept to a minimum by using control methods outlined in 9 VAC 5-50-60 et seq. of the Regulations for the Control and Abatement of Air Pollution. These precautions include, but are not limited to, the following:

- Use, where possible, of water or chemicals for dust control;
- Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials;
- Covering of open equipment for conveying materials; and
- Prompt removal of spilled or tracked dirt or other materials from paved streets and removal of dried sediments resulting from soil erosion.

*(b) Open Burning.* If project activities include the burning of construction or demolition material or land-clearing debris, this activity must meet the requirements under 9 VAC 5-40-5600 et seq. of the Regulations for open burning, and it may require a permit (see "Regulatory and Coordination Needs," item 5, below). The Regulations provide for, but do not require, the local adoption of a model ordinance concerning open burning. The Jefferson Lab should contact Newport News city officials to determine what local requirements, if any, apply. The model ordinance includes, but is not limited to, the following:

- All reasonable effort shall be made to minimize the amount of material burned, with the number and size of the debris piles;
- The material to be burned shall consist of brush, stumps and similar debris waste and clean burning demolition material;



- The burning shall be at least 500 feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted;
- The burning shall be conducted at the greatest distance practicable from highways and air fields;
- The burning shall be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced;
- The burning shall not be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials; and
- The burning shall be conducted only when the prevailing winds are away from any city, town or built-up area.

(c) *Fuel-burning Equipment.* Fuel-burning equipment used in constructing the project and/or in heating and cooling the resulting building may require one or more air pollution control permits. See "Regulatory and Coordination Needs," item 5, below.

#### 6. *Coastal Lands Management.*

(a) *Consistency Requirement.* The Department of Conservation and Recreation's Division of Chesapeake Bay Local Assistance (DCR-DCBLA) states that while it may be true that Chesapeake Bay Preservation Areas (Resource Management Areas or Resource Protection Areas) are not locally designated on federal lands (EA, page 44, section 4.4.3.2), the Department of Energy, through the Jefferson Lab, must conduct its activities consistently with the provisions of the Chesapeake Bay Preservation Act, *Virginia Code* sections 10.1-2100 et seq. and the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20-10 et seq.), which implement one of the enforceable policies of the Virginia Coastal Resources Management Program. Federal actions on installations in Tidewater Virginia must be consistent with the performance criteria of the Regulations on lands analogous to locally designated Chesapeake Bay Preservation Areas. Consistency of this project with the coastal lands management enforceable policy of the Virginia Coastal Resources Management Program depends on meeting the requirements which follow. Questions on this discussion may be directed to DCR-DCBLA; see "Regulatory and Coordination Needs," item 11, below.

(b) *Landforms and Performance Criteria.* In Newport News, the areas protected by the Act require that project proponents observe performance criteria.

(i) *Stringent Performance Criteria Application.* Stringent performance criteria apply to lands analogous to Resource Protection Areas pursuant to 9 VAC 10-20-130. These lands include:

- Tidal wetlands;
- Non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
- Tidal shores; and
- A 100-foot vegetated buffer area adjacent to and landward of the aforementioned features, and along both sides of any water body with perennial flow.

(ii) *Less Stringent Criteria Application.* Less stringent performance criteria apply to projects including land-disturbing activity in lands adjacent to and landward of the 100-foot buffer, and extending landward 500 feet or the extent of the 100-year floodplain, whichever is greater.

(c) *Application to this Project.* It appears that the proposed upgrade and operation of the CEBAF and FEL accelerators may be installed on lands analogous to Resource Protection Areas as specified in 9 VAC 10-20-130. Projects including land disturbance must adhere to the general performance criteria (9 VAC 10-20-120); these requirements include:

- minimizing land disturbance (including access and staging areas);
- retaining indigenous vegetation; and
- minimizing impervious surfaces
- following stormwater management criteria consistent with water quality protection provisions of the Virginia Stormwater Management Regulations (4 VAC 3-20-71).

For land disturbance of 2,500 square feet or more, the requirements for an Erosion and Sediment Control Plan must also be met. See item 4, above.

(d) *1998 Federal Agencies' Chesapeake Ecosystem Unified Plan.* The *Plan* requires the signatories, including the U.S. Department of Energy, to cooperate fully with local and state governments in carrying out voluntary and mandatory actions to comply with the management of stormwater. In the *Plan*, the agencies also committed themselves to encourage construction design that:

- minimizes natural area loss on new and rehabilitated federal facilities;

- adopts low-impact development and best management technologies for stormwater, sediment and erosion control, and reduces impervious surfaces; and
- considers the *Conservation Landscaping and Bay-Scapes Guide for Federal Land Managers*.

(e) *Chesapeake 2000 Agreement*. The *Chesapeake 2000 Agreement* committed the signatory government agencies to a number of sound land use and stormwater quality controls. In addition, the *Agreement* commits the agencies to lead by example in controlling runoff of nutrient, sediment, and chemical contaminants from government properties. In December 2001, the Chesapeake Executive Council issued *Directive No. 01-1, Managing Stormwater on State, Federal, and District-owned Lands and Facilities*. This document includes specific commitments for agencies to lead by example with respect to stormwater controls.

#### Regulatory and Coordination Needs

1. *Wildlife Protection*. In the event that Jefferson Lab staff or contractors discover a canebrake rattlesnake during development or construction of the project (see "Environmental Impacts and Mitigation," item 1(a), above), they should contact the Department of Game and Inland Fisheries (John Kleopfer, Regional Biologist, telephone (804) 843-5967 or the main office, telephone (804) 367-6913) so that it can safely capture the animal and remove it to a suitable site.

2. *Historic Properties*. If unanticipated cultural materials are identified during any project activities at the project site, the Jefferson Lab should stop work immediately and contact the Department of Historic Resources (Roger Kirchen, telephone (804) 367-2323, extension 153) for guidance on treatment of the cultural resource.

3. *Erosion and Sediment Control; Stormwater Management*. As mentioned above ("Environmental Impacts and Mitigation," item 3(a) and "Federal Consistency..." item 4), the project may require a Stormwater Management Plan pursuant to the Stormwater Management Law (*Virginia Code* section 10.1-603) (for projects involving land disturbance of 1 acre or more) and/or an Erosion and Sediment Control Plan pursuant to the Erosion and Sediment Control Law (*Virginia Code* sections 10.1-560 *et seq.*) (for projects involving land disturbance of 2,500 square feet or more in Chesapeake Bay Preservation Areas). Questions regarding both of these requirements may be directed to the Department of Conservation and Recreation's Chowan,

Albemarle, and Coastal Watersheds Office (telephone (757) 925-2468). The City Engineering Department (telephone (757) 926-8611) is also interested in erosion control and stormwater management; see "Environmental Impacts and Mitigation," item 12, above.

4. *VPDES Stormwater Management General Permit.* To obtain coverage under the VPDES Stormwater General Permit for Construction Activities, or to inquire about the requirements of this general permit, the Jefferson Lab should contact the Department of Conservation and Recreation's Division of Soil and Water Conservation (Eric Capps, telephone (804) 786-3957).

5. *Air Quality Regulation.* Permits may be needed for fuel-burning equipment used during construction of this project, as well as fuel-burning equipment used for heating and cooling the new buildings. DEQ's Tidewater Regional Office (Jane Workman, Air Permits Manager, telephone (757) 518-2112) should be contacted to inquire about permitting needs. The same Office should be contacted to determine whether an open burning permit is required under the Regulations for the Control and Abatement of Air Pollution (9 VAC 5-40-5600 *et seq.*).

6. *Subaqueous Lands Encroachment.* As indicated above ("Federal Consistency..." item 2), encroachments in, on, or over state-owned bottomlands may require permits from the Marine Resources Commission pursuant to *Virginia Code* section 28.2-1204. Questions about the applicability of subaqueous lands encroachment permits may be directed to the Commission (Elizabeth Gallup, telephone (757) 247-2200).

7. *Wetlands and Water Quality Regulation.* If, pursuant to current mapping and approval, it appears that any part of the project will affect wetlands or surface waters, Jefferson Lab must obtain a Virginia Water Protection Permit from DEQ's Tidewater Regional Office. Questions may be directed to that Office (Bert Parolari, telephone (757) 518-2166).

It does not appear likely that the temporary de-watering involved in the project (Draft EA, pages 51-52, section 4.4.4.1) would affect flow quantity at the groundwater de-watering operation. For this reason, there should be no need to modify the Jefferson Lab's existing Ground Water Withdrawal Permit. An expanded use permit would be necessary, however, if the project changes to require additional long-term de-watering. Questions on this potential requirement may be addressed to DEQ's Tidewater Regional Office (Michelle Hollis, telephone (757) 518-2146).

8. *Transportation Coordination.* Any VDOT land use requirements, lane closures, traffic control or work safety issues should be coordinated with the City of Newport News and VDOT's Williamsburg Residency (telephone (757) 253-4832). The City Engineering Department (telephone (757) 926-8611) is also interested in traffic engineering; see "Environmental Impacts and Mitigation," item 12, above.

9. *Waste Management.*

(a) *Contamination.* As indicated above ("Environmental Impacts and Mitigation," item 4(b)), soils suspected of contamination must be tested and disposed of in accordance with applicable laws. These include, but are not limited to, the Virginia Waste Management Act (*Virginia Code* sections 10.1-1400 *et seq.*), the Virginia Hazardous Waste Management Regulations (9 VAC 20-60), and the Virginia Solid Waste Management Regulations (9 VAC 20-80). (See the enclosed DEQ memo, Kohler to Ellis, dated September 8, 2006 for additional citations.) If evidence of a petroleum release is discovered during project construction or preparation, the Jefferson Lab must report the release to DEQ's Tidewater Regional Office (Rebecca Gehring, telephone (757) 518-2190 or Gene Siudyla, telephone (757) 518-2117).

(b) *Lead-based Paint and Asbestos.* If asbestos-containing materials are found, the Jefferson Lab should follow the Virginia Solid Waste Management Regulations, specifically 9 VAC 20-80-640. Similarly, if lead-based paint is discovered, the Jefferson Lab should follow the Virginia Hazardous Waste Management Regulations, specifically 9 VAC 20-60-261.

10. *Registration of New Storage Tanks.* If portable above-ground storage tanks (ASTs) are to be used as part of the project, they must be registered with DEQ. Registration involves getting AST Registration Form from DEQ's web site (<http://www.deq.virginia.gov>) as follows:

- Select "Programs" in the Main Menu on the left side of the screen;
- Scroll down and select "Petroleum programs."
- Select "Download library."
- Select "UST/AST Registration Forms."
- Select AST form 7540, which may be electronically filled out or printed and filled out with a pen.

The form should be mailed to the DEQ address given, along with the registration fee listed on the form. Questions regarding AST registration may be directed to

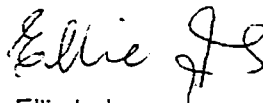
Ms. Patricia Sumner  
Page 17

DEQ's Tidewater Regional Office (Tom Madigan, telephone (757) 518-2115 or e-mail [temadigan@deg.virginia.gov](mailto:temadigan@deg.virginia.gov)).

11. *Coastal Lands Management*. Questions relating to the performance criteria of the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20-10 *et seq.*; see 9 VAC 10-20-120 for general performance criteria and 9 VAC 10-20-130 for stricter performance criteria applicable to lands analogous to Resource Protection Areas) and their application to this project, as well as other parts of the discussion in "Federal Consistency,..." item 6, above may be directed to the Department of Conservation and Recreation's Division of Chesapeake Bay Local Assistance (Alice Baird, telephone (804) 225-2307).

Thank you for the opportunity to review the Draft EA and federal consistency determination. We look forward to reviewing the Final EA for this project. If you have questions, please feel free to call me (telephone (804) 698-4325) or Charles Ellis of this Office (telephone (804) 698-4488).

Sincerely,



Ellie L. Irons  
Program Manager  
Office of Environmental Impact Review

Enclosures

cc: Andrew K. Zadnik, DGIF  
Keith R. Tignor, VDACS  
Robert S. Munson, DCR  
Daniel B. Horne, VDH-SEVFO  
Susan E. Douglas, VDH-ODW  
Paul W. Kohler, DEQ-Waste  
Eric J. Salopek, DEQ-Waste-ORP  
Kotur S. Narasimhan, DEQ-DAPC  
Michelle Hollis, DEQ-TRO  
Mary T. Stanley, VDOT  
Elizabeth Gallup, MRC  
Roger W. Kirchen, DHR  
Alice R. T. Baird, DCR-DCBLA  
Arthur L. Collins, Hampton Roads PDC  
Randy W. Hildebrandt, City of Newport News



001471  
COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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L. Preston Bryant, Jr.  
Secretary of Natural Resources

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2006 OCT 20 AM 10:53

FILE # 613.1

David K. Paylor  
Director

(804) 698-4000  
1-800-592-5482

October 16, 2006

Ms. Patricia Sumner  
U.S. Department of Energy, Thomas Jefferson Site Office  
12000 Jefferson Avenue  
Newport News, Virginia 23606

RE: Draft Environmental Assessment and Federal Consistency Determination  
for Proposed Upgrades and Construction Projects at the Thomas  
Jefferson National Accelerator Facility, Newport News, Virginia  
(DOE/EA-1534):  
DEQ-06-140F

Dear Ms. Sumner:

This letter follows up our September 21, 2006 response (hereinafter "September 21 letter") to the above document by addressing your October 12 e-mail to and telephone conversation with Alice Baird of the Department of Conservation and Recreation's Division of Chesapeake Bay Local Assistance.

Specifically, you requested clarification of statements in the September 21 letter that a VPDES Stormwater General Permit for Construction would be required for land disturbance of 2,500 square feet or more, in light of the fact that activities proposed in the Draft EA and federal consistency determination would be outside of any lands fitting the descriptions of Resource Protection Areas or Resource Management Areas under the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20-10 et seq., hereinafter "Bay Regulations"). You indicate a commitment to comply with the Erosion and Sediment Control requirements cited in the general performance criteria (see 9 VAC 10-20-120); see the September 21 letter, "Federal Consistency...", items 4 (pages 10-11) and 6(c) (page 13). Our statement in item 6(c) was predicated on the land being a Resource Protection Area (9 VAC 10-20-130).

In reviewing our September 21 letter, we found references to the applicability of the VPDES Stormwater General Permit as applying to land

Ms. Patricia Sumner  
Page 2

disturbances of one acre or more (see "Environmental Impacts and Mitigation," item 3(b), page 4); we also noted that the Erosion and Sediment Control Plan requirement must be met pursuant to the general performance criteria (9 VAC 10-20-120) (see item 6(c), page 13 of the September 21 letter). We did not indicate applicability of the VPDES Stormwater General Permit requirement to land disturbance of 2,500 square feet or more.

It appears from your discussion and correspondence with Ms. Baird that the proposed project activities would not affect lands defined as either Resource Protection Areas or Resource Management Areas under the Bay Regulations. Ms. Baird has confirmed this in a memorandum (attached). This means that the VPDES Stormwater General Permit will not apply to a given project unless it involves total land disturbance of one acre or more. To determine the applicability of the VPDES Stormwater General Permit, the land areas to be disturbed by construction projects planned for the near future should be added together to arrive at a cumulative acreage. If this remains less than one acre, the VPDES Stormwater General Permit requirement will not apply.

I hope this information clarifies our earlier response.

Sincerely,



Ellie L. Irons  
Program Manager  
Office of Environmental Impact Review

Enclosure

cc: Alice R. T. Baird, DCR-DCBLA



L. Preston Bryant, Jr.  
Secretary of Natural Resources



001384

**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF CONSERVATION AND RECREATION**

203 Governor Street  
Richmond, Virginia 23219-2010  
(804) 786-6124

August 16, 2005

RECEIVED  
J. B. Macdon  
DCR/TJNAF  
2006 AUG 29 AM 10:45  
FILE # 613.1

James A. Turi  
Department of Energy  
Thomas Jefferson Site Office  
12000 Jefferson Avenue  
Newport News, VA 23606

SUBJECT: DCR-06-049: Upgrades & Construction Projects at the Thomas Jefferson National Acceleration Facility

Dear Mr. Turi:

The Department of Conservation and Recreation (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

Biotics documents the presence of natural heritage resources in the project area. However, due to the scope of the activity and the distance to the resources, we do not anticipate that this project will adversely impact these natural heritage resources.

Under a Memorandum of Agreement, DCR represents the Virginia Department of Agriculture and Consumer Services (VDACS) in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

In addition, our files do not indicate the presence of any State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

Any absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources. New and updated information is continually added to Biotics. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

The Virginia Department of Game and Inland Fisheries maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters, which may contain information not documented in this letter. Their database may be accessed from [http://www.dgif.virginia.gov/wildlife/info\\_map/index.html](http://www.dgif.virginia.gov/wildlife/info_map/index.html), or contact Shirl Dressler at (804) 367-6913.

*State Parks • Soil and Water Conservation • Natural Heritage • Outdoor Recreation Planning  
Chesapeake Bay Local Assistance • Dam Safety and Floodplain Management • Land Conservation*

Thank you for the opportunity to comment on this project.

Sincerely,

A handwritten signature in cursive script that reads "Robert S. Munson". The signature is written in dark ink and is positioned above the printed name.

Robert S. Munson  
Planning Bureau Manager

If you cannot meet the deadline, please notify CHARLIE ELLIS at 804/698-4488 prior to the date given. Arrangements will be made to extend the date for your review if possible. An agency will not be considered to have reviewed a document if no comments are received (or contact is made) within the period specified.

REVIEW INSTRUCTIONS:

- A. Please review the document carefully. If the proposal has been reviewed earlier (i.e. if the document is a federal Final EIS or a state supplement), please consider whether your earlier comments have been adequately addressed.
- B. Prepare your agency's comments in a form which would be acceptable for responding directly to a project proponent agency.
- C. Use your agency stationery or the space below for your comments. IF YOU USE THE SPACE BELOW, THE FORM MUST BE SIGNED AND DATED.

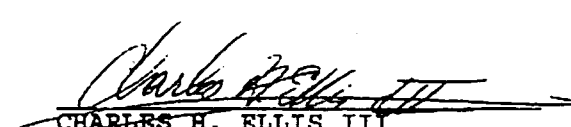
Please return your comments to:

MR. CHARLES H. ELLIS III  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL IMPACT REVIEW  
629 EAST MAIN STREET, SIXTH FLOOR  
RICHMOND, VA 23219  
FAX #804/698-4319

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SEP 15 2006

DEQ-Office of Environmental  
Impact Review

  
CHARLES H. ELLIS III  
ENVIRONMENTAL PROGRAM PLANNER

COMMENTS

Statements in the project document concerning endangered species were reviewed and compared to available information. No additional comments are necessary in reference to endangered plant and insect species regarding this project.

(signed)  (Keith R. Tignor) September 11, 2006  
Endangered Species Coordinator (date)  
(title) VDACS, Office of Plant and Pest Service  
(agency)

PROJECT # 06-140F

8/98

L. Preston Bryant, Jr.  
Secretary of Natural  
Resources



Joseph H. Maroon  
Director

COMMONWEALTH of VIRGINIA  
DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street, Suite 326  
Richmond, Virginia 23219-2010  
(804) 786-2556 FAX (804) 371-7899

MEMORANDUM

DATE: September 13, 2006

TO: Mr. Charles H. Ellis, III  
Department of Environmental Quality  
Office of Environmental Impact Review  
629 East Main Street, Sixth Floor  
Richmond, Va. 23219  
[chellis@deq.state.va.us](mailto:chellis@deq.state.va.us)  
(804) 698-4488

FROM: Robert Munson, Planning Bureau Manager *Robert S. Munson*  
Virginia Department of Conservation and Recreation

SUBJECT: DEQ-06-140F: DOE, Thomas Jefferson Accelerator Facility

The Department of Conservation and Recreation (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

Biotics documents the presence of natural heritage resources in the project area. However, due to the scope of the activity and the distance to the resources, we do not anticipate that this project will adversely impact these natural heritage resources.

Under a Memorandum of Agreement, DCR represents the Virginia Department of Agriculture and Consumer Services (VDACS) in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

In addition, our files do not indicate the presence of any State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

Any absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources. New and updated information is continually added to Biotics. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

*State Parks • Soil and Water Conservation • Natural Heritage • Outdoor Recreation Planning  
Chesapeake Bay Local Assistance • Dam Safety and Floodplain Management • Land Conservation*

The Virginia Department of Game and Inland Fisheries maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters, which may contain information not documented in this letter. Their database may be accessed from [http://www.dgif.virginia.gov/wildlife/info\\_map/index.html](http://www.dgif.virginia.gov/wildlife/info_map/index.html), or contact Shirl Dressler at (804) 367-6913.

Thank you for the opportunity to comment on this project.

Ellis, Charles

---

From: Andrew Zadnik [Andrew.Zadnik@dgif.virginia.gov]  
Sent: Friday, September 08, 2006 3:13 PM  
To: Ellis, Charles  
Cc: nhreview@dcv.virginia.gov; ProjectReview.Richmond\_PO.DGIF@dgif.virginia.gov  
Subject: 06-140F\_ESS 22765\_Upgrade and operation\_TJ National Accelerator Facility

This project involves expansion of the Thomas Jefferson National Accelerator Facility, Newport News. We understand no wetlands will be disturbed.

According to our records, the State Endangered canebrake rattlesnake has been documented within 2 miles of this project. We support the proposal to inform all staff and subcontractors about the potential presence of this species on the site (Page 75 of the Draft EA). If a canebrake rattlesnake is observed at any time during the development or construction of this project, the applicant should contact John Kleopfer (804-843-5967) or our Richmond office (804-367-6913) so that we can safely capture and relocate the animal to a suitable site.

Given strict erosion, sediment, and stormwater control measures, we find this project consistent with the Fisheries section of the VA Coastal Resources Management Program.

Thank you,

Andrew K. Zadnik  
Environmental Services Section Biologist  
Department of Game and Inland Fisheries  
4010 West Broad Street  
Richmond, VA 23230

(804) 367-2733  
(804) 367-2427 (fax)

L. Preston Bryant, Jr.  
Secretary of Natural  
Resources



Joseph H. Maroon  
Director

**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF CONSERVATION AND RECREATION**  
**DIVISION OF CHESAPEAKE BAY LOCAL ASSISTANCE**  
101 N. 14<sup>th</sup> Street, 17<sup>th</sup> Floor  
Richmond, VA 23219  
1-800-243-7229  
FAX (804) 225-3447

**MEMORANDUM**

**TO:** Charles H. Ellis, III, DEQ

**FROM:** Alli Baird, Chesapeake Bay Local Assistance  
Nancy Miller, Chesapeake Bay Local Assistance

**DATE:** August 31, 2006

**SUBJECT:** DEQ-06-140F: US DoE – CBAF & FEL  
DCR-DCBLA Project # FSPR-DOE-01-06

We have reviewed the Consistency Determination for the proposed Upgrade and Operation of CBAF & FEL Accelerators, Thomas Jefferson National Accelerator Facility, US DoE.

While it may be technically true that Chesapeake Bay Preservation Areas are not locally designated on federal lands, this does not relieve the Department of Energy of its responsibilities to be consistent with the provisions of the Chesapeake Bay Preservation Area Designation and Management Regulations (Regulations), as one of the enforceable programs of Virginia's Coastal Resources Management Program (VCRMP). Federal actions on installations located within Tidewater Virginia are required to be consistent with the performance criteria of the Regulations on lands analogous to locally designated Chesapeake Bay Preservation Areas.

In the City of Newport News the areas protected by the Chesapeake Bay Act, as locally implemented, require stringent performance criteria, and these areas include: tidal wetlands, non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow, tidal shores and a 100-foot vegetated buffer area located adjacent to and landward of the aforementioned features, and along both sides of any water body with perennial flow. Less stringent performance criteria apply to land that is adjacent to and landward of the 100-foot buffer and extends landward 500 feet or the extent of the 100-year floodplain, whichever is greater.

The proposed Upgrade and Operation of CBAF & FEL Accelerators, Thomas Jefferson National Accelerator Facility, may be installed on lands analogous to those in the Chesapeake Bay Preservation Area Designation and Management Regulations requiring stringent performance criteria (Resource Protection Area or RPA) as specified in § 9 VAC 10-20-130.

Projects that include land disturbing activity must adhere to the general performance criteria, § 9 VAC 10-20-120 et seq. especially with respect to minimizing land disturbance (including access and staging

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of 2

Page 1

areas), retaining indigenous vegetation and minimizing impervious surface. For land disturbance over 2,500 square feet, the project must comply with the requirements of the *Virginia Erosion & Sediment Control Handbook*, Third Edition, 1992. Additionally, stormwater management criteria consistent with water quality protection provisions (§4 VAC 3-20-71 et seq.) of the *Virginia Stormwater Management Regulations* (§ 4 VAC 3-20) shall be satisfied.

The 1998 Federal Agencies' Chesapeake Ecosystem Unified Plan requires the signatories, including the US Department of Energy, to fully cooperate with local and state governments in carrying out voluntary and mandatory actions to comply with the management of stormwater. The agencies also committed to encouraging construction design that a) minimizes natural area loss on new and rehabilitated federal facilities; b) adopts low impact development and best management technologies for storm water, sediment and erosion control, and reduces impervious surfaces; and c) considers the Conservation Landscaping and Bay-Scapes Guide for Federal Land Managers. In addition, the Chesapeake 2000 Agreement committed the government agencies to a number of sound land use and stormwater quality controls. The signatories additionally committed the agencies to lead by example with respect to controlling nutrient, sediment and chemical contaminant runoff from government properties. In December 2001, the Executive Council of the Chesapeake Bay Program issued Directive No. 01-1, Managing Storm Water on State, Federal and District-owned Lands and Facilities, which includes specific commitments for agencies to lead by example with respect to stormwater control.

Provided adherence to the above requirements, we concur that the proposed activity would be consistent with the *Chesapeake Bay Preservation Act & Regulations*.



L. Preston Bryant, Jr.  
Secretary of Natural  
Resources



Joseph H. Maroon  
Director

COMMONWEALTH of VIRGINIA  
DEPARTMENT OF CONSERVATION AND RECREATION

DIVISION OF CHESAPEAKE BAY LOCAL ASSISTANCE

101 N. 14<sup>th</sup> Street, 17<sup>th</sup> Floor  
Richmond, VA 23219  
1-800-243-7229  
FAX (804) 225-3447

October 12, 2006

Ms. Ellie L. Irons  
Program Manager  
Office of Environmental Impact Review  
Department of Environmental Quality  
P. O. Box 10009  
Richmond, Virginia 23240

Re: DEQ-06-140F: Thomas Jefferson National Accelerator Facility Upgrades  
DCR-CBLA Project # FSPR-DOE-01-06

Dear Ms. Irons,

We have received additional information from the Department of Energy regarding this application. From the information provided, it appears that there are no Chesapeake Bay Preservation Areas being impacted by this project. Therefore we find that the project would be consistent with the *Chesapeake Bay Preservation Act & Regulations* and we have no further comment.

Sincerely,

A handwritten signature in cursive script that reads "Alice R. T. Baird".

Alice R. T. Baird, LA, ASLA  
Chesapeake Bay  
Special Projects Coordinator



DEPARTMENT OF ENVIRONMENTAL QUALITY  
TIDEWATER REGIONAL OFFICE  
ENVIRONMENTAL IMPACT REVIEW COMMENTS

PROJECT NUMBER: 06-140F

PROJECT TITLE: Upgrade & Operation of the CEBAF & FEL Accelerators and Construction & Use of Bldgs Associated with the 2005 Ten Year Site Plan, Thomas Jefferson National Accelerator Facility

**Air Permit Program :**

The Air Permit Section has no comment on this document.

**Water Permit Program :**

The Water Permits Section has no comment on this Environmental Assessment. Based on the information provided, there is no change in conditions that is sufficient to require any modification of existing permits. Construction activities appear to require the issuance of a storm water general permit covering runoff from construction activities. However, DEQ no longer administers that program. The section of this document relating to Groundwater Dewatering indicates that only temporary dewatering will likely be necessary and that this short term activity will not impact flow quantity at the ground water dewatering operation at the experimental halls. Therefore, there should be no need to modify their current Ground Water Withdrawal Permit (GWWP). Should the project change to where additional long term dewatering is necessary they will need to apply for an expanded use GWWP permit.

**Waste Permit Program :**

The proposed construction is on a former VRP site. The certificate of completion addresses PCE/TCE contamination of the groundwater from an unknown source and requires that the sites groundwater not be used for any purpose other than monitoring and testing and that the site shall not be used for residential purposes. Therefore any excess soil that needs to be disposed or groundwater generated during construction needs to be characterized in accordance with the Virginia hazardous Waste Management Regulations prior to disposal at an appropriate facility.



**MEMORANDUM**

**TO:** Charles H. Ellis, III, Environmental Program Planner  
**FROM:** *PWK*  
Paul Kohler, Waste Division Environmental Review Coordinator  
**DATE:** September 8, 2006  
**COPIES:** Sanjay Thirunagari, Waste Division Environmental Review Manager; file  
**SUBJECT:** Environmental Impact Report: Upgrade of the CEBAF & FEL Accelerators and Construction & Use of Buildings Associated with the 2005 Ten-Year Site Plan at the Thomas Jefferson National Accelerator Facility in Newport News, Virginia.

The Waste Division has completed its review of the Environmental Impact report for the Upgrade of the CEBAF & FEL Accelerators and Construction & Use of Buildings Associated with the 2005 Ten-Year Site Plan at the Thomas Jefferson National Accelerator Facility in Newport News, Virginia. We have the following comments concerning the waste issues associated with this project:

Neither solid nor hazardous waste issues were addressed in the report. The report did not include a search of waste-related data bases. The Waste Division staff performed a cursory review of its data files and determined that the facility is in the general vicinity of two CERCLIS Database sites, the Newport News Pesticide Site (VASFN0305421), and the Patrick Henry Airport (VAD980830483). The following websites may prove helpful in locating additional information for these identification numbers: [http://www.epa.gov/echo/search\\_by\\_permit.html](http://www.epa.gov/echo/search_by_permit.html) or [http://www.epa.gov/enviro/html/rcris/rcris\\_query\\_java.html](http://www.epa.gov/enviro/html/rcris/rcris_query_java.html). There are also the following solid waste sites in the general vicinity: the Industrial Resource Technology, PBR 115, a Materials Recovery Facility; the Newport News City - Landfill No 2, SWP 282, Closed Sanitary Landfill; the Newport News City - Landfill No 2, SWP 386, Closed Sanitary Landfill; and the Newport News City - YWCF 2 - McManus Blvd, PBR 110, Yard Waste Composting Facility.

Any soil that is suspected of contamination or wastes that are generated during construction-related activities must be tested and disposed of in accordance with applicable Federal, State, and local laws and regulations. Some of the applicable state laws and regulations are: Virginia Waste Management Act, Code of Virginia Section 10.1-1400 *et seq.*; Virginia Hazardous Waste Management Regulations (VHWMR) (9VAC 20-60); Virginia Solid Waste Management Regulations (VSWMR) (9VAC 20-80); Virginia Regulations for the Transportation of Hazardous Materials (9VAC 20-110). Some of the applicable Federal laws and regulations are: the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6901 *et seq.*, and the applicable regulations contained in Title 40 of the Code of Federal

Regulations; and the U.S. Department of Transportation Rules for Transportation of Hazardous materials, 49 CFR Part 107.

Also, all structures being demolished/renovated/ removed should be checked for asbestos-containing materials (ACM) and lead-based paint prior to demolition. If ACM or LBP are found, in addition to the federal waste-related regulations mentioned above, State regulations 9VAC 20-80-640 for ACM and 9VAC 20-60-261 for LBP must be followed.

Please note that DEQ encourages all construction projects and facilities to implement pollution prevention principles, including the reduction, reuse, and recycling of all solid wastes generated. All generation of hazardous wastes should be minimized and handled appropriately.

If you have any questions or need further information, please contact Paul Kohler at (804) 698-4208.



DIVISION OF WASTE PROGRAM  
COORDINATION

OFFICE OF REMEDIATION PROGRAMS

MEMORANDUM

TO: John Fisher, OEIR

FROM: Eric J. Salopek, ORP

DATE: September 20, 2006

COPY: Paul Kohler, OWP

SUBJECT: Camp Patrick Henry FUDS – CO3VA0186

---

The purpose of this memorandum is to provide comments to your office on the referenced Formerly Used Defense Site (FUDS). According to our files, the former Camp Patrick Henry functioned as a point of embarkation during the 1940s. The FUDS consisted of approximately 1,595 acres. The majority of this acreage was subsequently conveyed to the Peninsula Airport between 1947 and 1948. Additional acreage was later conveyed to the City of Newport News (formerly known as Warwick County) for a hospital and also to the Hampton Roads Sanitation District and Fort Eustis.

According to VDEQ files, all structures which were conveyed to the Peninsula Airport Commission are currently being used by the Patrick Henry Airport. The City of Newport News currently operates the Patrick Henry Hospital. The Hampton Roads Sanitation District maintains a sewage treatment plant.

The location of the referenced FUDS is approximately 1 ½ miles north of the Thomas Jefferson National Accelerator Facility (TJNAF). According to the DoD, there is no known/suspected ordnance and/or hazardous waste on the FUDS. However, please be aware that our office has not conducted an investigation to either support or contradict this assertion.

Given the level of commercial activity in the area and the presence of Interstate 64, coupled with the distance between the FUDS and the referenced facility, it is highly unlikely that any historic practices of the FUDS impacted, or are likely to impact, the TJNAF property.

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DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF AIR PROGRAM COORDINATION

AUG 18 2006

ENVIRONMENTAL REVIEW COMMENTS APPLICABLE TO AIR QUALITY

DEQ-Office of Environmental  
Impact Review

TO: Charles H. Ellis III

DEQ - OEIA PROJECT NUMBER: 06 - 140F

PROJECT TYPE: ☐ STATE EA / EIR / FONSI ☒ FEDERAL EA / EIS ☐ SCC

X CONSISTENCY DETERMINATION

PROJECT TITLE: UPGRADE & OPERATION OF THE CEBAF & FEL ACCELERATORS AND  
CONSTRUCTION & USE OF BUILDINGS ASSOCIATED WITH THE 2005  
TEN YEAR SITE PLAN, THOMAS JEFFERSON NATIONAL ACCELERATOR  
FACILITY

PROJECT SPONSOR: U. S. DEPARTMENT OF ENERGY

PROJECT LOCATION: X OZONE NON ATTAINMENT AREA

REGULATORY REQUIREMENTS MAY BE APPLICABLE TO: ☒ CONSTRUCTION  
☒ OPERATION

STATE AIR POLLUTION CONTROL BOARD REGULATIONS THAT MAY APPLY:

1. ☐ 9 VAC 5-40-5200 C & 9 VAC 5-40-5220 E - STAGE I
2. ☐ 9 VAC 5-40-5200 C & 9 VAC 5-40-5220 F - STAGE II Vapor Recovery
3. ☐ 9 VAC 5-40-5490 et seq. - Asphalt Paving operations
4. ☒ 9 VAC 5-40-5600 et seq. - Open Burning
5. ☒ 9 VAC 5-50-60 et seq. Fugitive Dust Emissions
6. ☐ 9 VAC 5-50-130 et seq. - Odorous Emissions; Applicable to \_\_\_\_\_
7. ☐ 9 VAC 5-50-160 et seq. - Standards of Performance for Toxic Pollutants
8. ☐ 9 VAC 5-50-400 Subpart \_\_\_\_\_, Standards of Performance for New Stationary Sources, designates standards of performance for the \_\_\_\_\_
9. ☐ 9 VAC 5-80-10 et seq. of the regulations - Permits for Stationary Sources
10. ☐ 9 VAC 5-80-1700 et seq. Of the regulations - Major or Modified Sources located in PSD areas. This rule may be applicable to the \_\_\_\_\_
11. ☐ 9 VAC 5-80-2000 et seq. of the regulations - New and modified sources located in non-attainment areas
12. ☐ 9 VAC 5-80-800 et seq. Of the regulations - Operating Permits and exemptions. This rule may be applicable to \_\_\_\_\_

COMMENTS SPECIFIC TO THE PROJECT:

Being in an area of ozone non-attainment, all precautions are necessary to restrict the emissions of volatile organic compounds (VOC) and oxides of nitrogen (NOx) during construction.

K. S. Narasimhan  
(Kotur S. Narasimhan)  
Office of Air Data Analysis

DATE: August 18, 2006



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Impact Review

## COMMONWEALTH of VIRGINIA

L. Preston Bryant, Jr.  
Secretary of Natural Resources

Department of Historic Resources  
2801 Kensington Avenue, Richmond, Virginia 23221

Kathleen S. Kilpatrick  
Director

Tel: (804) 367-2323  
Fax: (804) 367-2391  
TDD: (804) 367-2386  
[www.dhr.virginia.gov](http://www.dhr.virginia.gov)

August 29, 2006

Ms. Patricia Sumner  
U.S. Department of Energy  
Thomas Jefferson Site Office  
12000 Jefferson Ave.  
Newport News, VA 23606

Re: Draft Environmental Assessment – Proposed Upgrades and Construction Projects at the Thomas Jefferson National Accelerator Facility, Newport News, VA  
DHR File No. 2006-1217; DOE/EA-1534; DEQ #06-140F

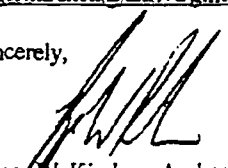
Dear Ms. Sumner:

We have received the document referenced above for review and comment. The Environmental Assessment presents the potential impacts of the 10-year site plan for the Facility.

Our Archives show no recorded architectural or archaeological resources within or adjacent to the permit area. Previous archaeological survey on the property determined that little potential for intact resources remains following the construction of the facility. Furthermore, previous consideration of the significance of the Facility's architectural resources determined that no buildings on the site are currently eligible for listing on the National Register of Historic Places. As such, a determination of *no historic properties affected* is appropriate for this undertaking. If, however, unanticipated cultural materials are identified during any action at the site, we request that work in the immediate area cease and our office be contacted to provide guidance on the treatment of the resource.

Thank you for consulting with our office concerning the potential impacts of this plan on historic resources. If you have any questions about these comments, please contact me at (804) 367-2323, x153 or email [roger.kirchen@dhr.virginia.gov](mailto:roger.kirchen@dhr.virginia.gov).

Sincerely,

  
Roger W. Kirchen, Archaeologist  
Office of Review and Compliance

Cc: Mr. Charles H. Ellis III, DEQ – OEIR

Administrative Services  
10 Courthouse Avenue  
Petersburg, VA 23803  
Tel: (804) 863-1624  
Fax: (804) 862-6196

Capital Region Office  
2801 Kensington Ave.  
Richmond, VA 23221  
Tel: (804) 367-2323  
Fax: (804) 367-2391

Tidewater Region Office  
14415 Old Courthouse Way, 2<sup>nd</sup> Floor  
Newport News, VA 23608  
Tel: (757) 886-2807  
Fax: (757) 886-2808

Roanoke Region Office  
1030 Penmar Ave., SE  
Roanoke, VA 24013  
Tel: (540) 857-7585  
Fax: (540) 857-7588

Winchester Region Office  
107 N. Kent Street, Suite 203  
Winchester, VA 22601  
Tel: (540) 722-3427  
Fax: (540) 722-7535



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DEQ-Office of Environmental  
Impact Review

## COMMONWEALTH of VIRGINIA

ROBERT B. STROUBE, M.D., M.P.H.  
STATE HEALTH COMMISSIONER

Department of Health  
OFFICE OF DRINKING WATER  
SOUTHEAST VIRGINIA ENGINEERING FIELD OFFICE

830 SOUTHAMPTON AVENUE, ROOM 2058  
NORFOLK, VIRGINIA 23510-1001  
PHONE (757) 683-2000  
FAX (757) 683-2007

Subject: CITY OF NEWPORT NEWS  
Water - General  
CEBAF (Jefferson Laboratories) EA

SEP 15 2006

Mr. Charles H. Ellis, III, Environmental Program Planner  
Virginia Department of Environmental Quality  
Office of Environmental Impact Review  
629 East Main Street, Sixth Floor  
Richmond, VA 23219

Dear Mr. Ellis:

The draft Environmental Assessment for the Ten Year Site Plan Upgrade at the Jefferson Laboratories has been forwarded to this office for review.

The proposed project consists of construction of several buildings and associated facilities to increase the capacity of the installation.

Any runoff from construction related activities would go eventually to Brick Kiln Creek which used to be a tributary to a raw water reservoir. The water treatment plant which used that water body as a raw water source has been decommissioned. Accordingly, we have no objections to the project.

The City of Newport News Health Department has no comments on the draft.

If you have any questions on the above, please do not hesitate to contact me. I may be reached at the number in the letterhead, extension 115.

Sincerely,

Dixon W. Tucker, P.E.  
District Engineer

pc: V.D.H. - Office of Drinking Water  
City of Newport News Health Department

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**VDH** VIRGINIA  
DEPARTMENT  
OF HEALTH  
Protecting You and Your Environment  
WWW.VDH.VIRGINIA.GOV/DW

January 2007





COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
1401 EAST BROAD STREET  
RICHMOND, VIRGINIA 23219-2000  
VirginiaDOT.org

GREGORY A. WHIRLEY  
ACTING COMMISSIONER

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SEP 13 2006

DEQ-Office of Environmental  
Impact Review

September 8, 2006

Mr. Charles H. Ellis III  
Department of Environmental Quality  
Office of Environmental Impact Review  
629 East Main Street, Sixth Floor  
Richmond, VA 23219

Re: Thomas Jefferson National Accelerator Facility

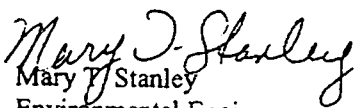
Dear Mr. Ellis:

The Virginia Department of Transportation has reviewed the information provided for the referenced project. Our review covers impacts to existing and proposed transportation facilities. After checking the Six Year Plan and the 2026 Plan, we have concluded that there are no conflicts with the current or future construction projects.

Any VDOT land use requirements, lane closures, traffic control or work zone safety issues should be closely coordinated with the City of Newport News and VDOT's Williamsburg Residency (757-253-4832).

Thank you for the opportunity to comment on this project.

Sincerely,

  
Mary J. Stanley

Environmental Engineer  
Virginia Department of Transportation

January 2007





JEANNE ZEIDLER, CHAIR • PAUL D. FRAM, VICE CHAIRMAN • JAMES O. McREYNOLDS, TREASURER  
ARTHUR L. COLLINS, EXECUTIVE DIRECTOR/SECRETARY

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Rebecca C.W. Adams, Council Member  
Amar Dwarikanath, Deputy City Manager  
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Anne F. Odell, Acting City Manager  
Ella P. Ward, Council Member

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Stan D. Clark, Vice Chairman

**JAMES CITY COUNTY**

Bruce C. Goodson, Chairman  
Sanford B. Wanner, County Administrator

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Joe S. Frank, Mayor  
Randy W. Hodebrandt, City Manager

**NORFOLK**

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Paul D. Fram, Mayor  
Dr. Theresa W. Whiteley, Council Member  
Regina V.K. Williams, City Manager  
Barclay C. Winn, Council Member

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Michael W. Johnson, County Administrator

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Linda T. Johnson, Mayor  
James G. Vacalis, Interim City Manager

**SURRY COUNTY**

Tyrone W. Franklin, County Administrator  
Judy S. Lytle, Board Member

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Robert M. Dyer, Council Member  
Barbara M. Henley, Council Member  
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Meyers E. Oberdorff, Mayor  
James K. Spore, City Manager  
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Jackson C. Tuttle, II, City Manager  
Jeanne Zeidler, Mayor

**YORK COUNTY**

James O. McReynolds, County Administrator  
Thomas G. Shepperd, Jr., Board Member

September 14, 2006

Mr. Charles H. Ellis III  
Department of Environmental Quality  
Office of Environmental Impact Review  
629 East Main Street, Sixth Floor  
Richmond, VA 23219

Re: Upgrade and Operation of the CEBAF & FEL Accelerators and Construction & Use of Buildings Associated with the 2005 Ten Year Site Plan, Thomas Jefferson National Accelerator Facility  
DEQ #06-140F (ENV:GEN)

Dear Mr. Ellis:

Pursuant to your request of August 4, 2006, the staff of the Hampton Roads Planning District Commission has reviewed the Environmental Assessment and Consistency Determination for proposed upgrade of the CEBAF & FEL Accelerators and construction of buildings associated with the 2005 Ten Year Site Plan at the Thomas Jefferson National Accelerator Facility. We have contacted the City of Newport News concerning the project.

Based on this review, the proposal is generally consistent with local and regional plans and policies. The City of Newport News provided comments in a separate letter. We concur with their comments.

We appreciate the opportunity to review this project. If you have any questions, please do not hesitate to call.

Sincerely,

Arthur L. Collins  
Executive Director/Secretary

MLJ/kg

Copy: Ms. Kathy James-Webb, NN

RECEIVED

SEP 18 2006

DEQ-Office of Environmental  
Impact Review

613.1



# City of Newport News

Virginia 23607  
001383

RECEIVED  
OCEANOGRAPHY  
2006 2400 Washington Avenue  
FILE # (757) 926-8411  
Fax (757) 926-8503

Office Of The City Manager

August 18, 2006

Mr. James A. Turi  
Manager  
U.S. Department of Energy  
Thomas Jefferson Site Office  
12000 Jefferson Avenue  
Newport News, VA 23606

Dear Ms. Turi:

The Manager of Environmental Planning has reviewed the draft Environmental Assessment for the proposed upgrade and construction projects at the Thomas Jefferson National Accelerator Facility, Newport News, Virginia. We concur with the Department of Energy that this project will have minor or negligible impact on the environment. Mitigation for the minor or negligible impacts appears to be adequately addressed in the document. We request that you work with the City's Engineering Department on site development issues related to storm water quantity, storm water quality, erosion and sediment control and traffic engineering.

Thank you for this opportunity to comment on the draft Environmental Assessment for the proposed upgrade and construction projects at the Thomas Jefferson National Accelerator Facility, Newport News, Virginia.

Sincerely,

A handwritten signature in black ink, reading "Randy W. Hildebrandt".

Randy W. Hildebrandt  
City Manager

RWH:kjw  
P:\Plan06-07\Env.Impact Review Comments\EA draft CEBAF.doc

Copy To: Mayor Joe S. Frank  
Assistant City Manager, NAM  
Director of Planning



# City of Newport News

Virginia 23607

Office Of The City Manager

September 8, 2006

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SEP 13 2006

DEQ-Office of Environmental  
2400 Washington Avenue  
(757) 926-8411  
Fax (757) 926-3503

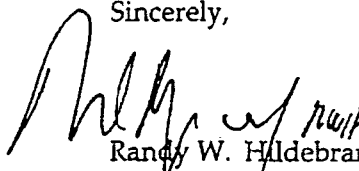
Mr. Charles H. Ellis III  
Department of Environmental Quality  
Office of Environmental Impact Review  
629 East Main Street, 6<sup>th</sup> Fl.  
Richmond, VA 23219

Dear Mr. Ellis:

The Manager of Environmental Planning has reviewed the draft Environmental Assessment and Consistency Determination Upgrade and Operation of the CEBAF and FEL Accelerators and Construction and Use of Buildings Associated with the 2005 Ten Year Site Plan, Thomas Jefferson National Accelerator Facility, Newport News, Virginia. We concur with the Department of Energy that this project will have minor or negligible impact on the environment. Mitigation for the minor or negligible impacts appears to be adequately addressed in the document. We request that Thomas Jefferson National Accelerator Facility work with the City's Engineering Department on site development issues related to storm water quantity, storm water quality, erosion and sediment control and traffic engineering.

Thank you for this opportunity to comment on the draft Environmental Assessment and Consistency Determination Upgrade and Operation of the CEBAF and FEL Accelerators and Construction and Use of Buildings associated with the 2005 Ten Year Site Plan, Thomas Jefferson National Accelerator Facility, Newport News, Virginia.

Sincerely,

  
Randy W. Hildebrandt  
City Manager

RWH:kjw

P:\Plan06-07\Env.Impact Review Comments\EACCD CEBAF.doc

Copy To: Assistant City Manager, NAM  
Director of Planning

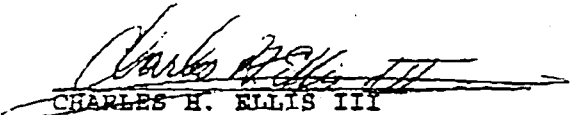
If you cannot meet the deadline, please notify CHARLIE ELLIS at 804/698-4488 prior to the date given. Arrangements will be made to extend the date for your review if possible. An agency will not be considered to have reviewed a document if no comments are received (or contact is made) within the period specified.

REVIEW INSTRUCTIONS:

- A. Please review the document carefully. If the proposal has been reviewed earlier (i.e. if the document is a federal Final EIS or a state supplement), please consider whether your earlier comments have been adequately addressed.
- B. Prepare your agency's comments in a form which would be acceptable for responding directly to a project proponent agency.
- C. Use your agency stationery or the space below for your comments. IF YOU USE THE SPACE BELOW, THE FORM MUST BE SIGNED AND DATED.

Please return your comments to:

MR. CHARLES H. ELLIS III  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL IMPACT REVIEW  
RICHMOND, VA 23219  
FAX #804/698-4319

  
CHARLES H. ELLIS III  
ENVIRONMENTAL PROGRAM PLANNER

COMMENTS

Please be advised that the Marine Resources Commission, pursuant to Section 28.2-1204 of the Code of Virginia, has jurisdiction over any encroachments in, on, or over any State-owned rivers, streams, or creeks in the Commonwealth. Accordingly, if any portion of the subject projects involves any encroachments channelward of ordinary high water along natural rivers and streams, a permit may be required from our agency.

(signed) E. J. Tally (date) 8/22/06  
(title) Environmental Engineer  
(agency) Marine Resources Commission

PROJECT # 06-140F

8/98



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
NORFOLK DISTRICT, CORPS OF ENGINEERS  
FORT NORFOLK, 803 FRONT STREET  
NORFOLK, VIRGINIA 23510-1096

001430

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DOE/TJNAF

2006 SEP 25 PM 4: 34

FILE # 613-1

September 20, 2006

Western Virginia Regulatory Section  
NAO-2006-6041 (Brick Kiln Creek)

Department of Energy  
Attn: Tricia Sumner  
Thomas Jefferson Site Office  
12000 Jefferson Avenue  
Newport News, Virginia 23606

Dear Ms. Sumner:

Robert Berg of my staff examined a wetland delineation conducted by REMSA, Inc. at Thomas Jefferson National Accelerator Facility at 12000 Jefferson Avenue in Newport News, VA.

Based on this examination, it appears the majority of the property does not contain any wetlands. Only one wetland area, located near the intersection of Jefferson Avenue and Onnes Drive, appears to be present on the property. Our basis for this includes application of the Corps' 1987 Wetland Delineation Manual and the positive indicators of wetland hydrology, hydric soils, and hydrophytic vegetation.

If any work is proposed in the vicinity of the wetland area, we recommend that you contact Mr. Berg to have the area examined prior to any work occurring. Any mechanized landclearing that disturbs the soil surface, such as with a bulldozer and/or root rake, and/or any filling or excavation in wetlands on this site may require a permit from the Department of the Army and/or the Virginia Department of Environmental Quality prior to such activities occurring. Any work in the upland area shown on the site will not require a Department of the Army permit.

Contact Robert Berg of my staff at (757) 201-7793 with any questions concerning this matter.

Sincerely,

Michael A. Schwinn  
Chief, Western Virginia  
Regulatory Section



DEPARTMENT OF ENVIRONMENTAL QUALITY  
TIDEWATER REGIONAL OFFICE  
ENVIRONMENTAL IMPACT REVIEW COMMENTS

PROJECT NUMBER: 06-140F

PROJECT TITLE: Upgrade & Operation of the CEBAF & FEL Accelerators and Construction & Use of Bldgs Associated with the 2005 Ten Year Site Plan, Thomas Jefferson National Accelerator Facility

As requested, TRO staff has reviewed the supplied information and has the following comments:

**Petroleum Storage Tank Cleanups:**

There has been one petroleum release reported at the CEBAF facility. This release, PC# 1990-0400, is a closed case associated with a former diesel UST at the Cryogenics Testing Lab. According to the EAV CD, there is no planned construction near this release. If evidence of a petroleum release is discovered during construction of this project, it must be reported to DEQ. Contact Ms. Rebecca Gehring at (757) 518-2190 or Mr. Gene Siudyla at (757) 518-2117. Petroleum contaminated soils generated during construction of this project must be properly characterized and disposed of properly.

**Petroleum Storage Tank Compliance/Inspections:**

The CEBAF facility (CEDS # 5-003616) does not currently operate any regulated underground or aboveground petroleum storage tanks. No impacts are expected from the proposed construction on regulated storage tanks. However, if the construction of this project will include the use of portable AST storage (>660 gallons) for equipment fuel, the tank or tanks must be registered with DEQ using AST Registration form 7540-AST. This form is available at the DEQ web site ([deq.virginia.gov](http://deq.virginia.gov)) under "petroleum programs, download library, AST registration forms". Once the registration form is completed, it should be mailed to the DEQ address on the form along with the appropriate registration fee (also listed on the form). Any questions concerning UST or AST registration should be directed to "Tom Madigan" at the Tidewater Regional Office 5636 Southern Boulevard, Virginia Beach, VA 23462, (757) 518-2115 or by e-mail at [temadigan@deq.virginia.gov](mailto:temadigan@deq.virginia.gov)

**Virginia Water Protection Permit Program (VWPP):**

This draft report asserts that no wetlands areas will be impacted by the proposed action based on previous studies and reviews by the USACE as well as the "Wetland Delineation and Threatened and Endangered Species Survey" prepared by REMSA, Inc. 2001. While the draft document speaks to the potential presence of at least 1 wetland area on the site, no depiction of the location of this wetland area is provided. "Figure 5 - Jefferson Lab Area RMA Map" contains a legend that characterizes wetland areas as well as other features such as RMAs, RPAs etc. but does not show any such area on the map itself. The project proponent should ensure that all surface water areas, including wetlands, as defined in state law are properly identified and that any impacts to these areas are properly authorized by the Virginia Water Protection Permit program. The proponent is reminded that USACE wetland delineation confirmations are only valid for a period of five (5) years from the date of confirmation unless extended by the USACE.